

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: INTRADO COMMUNICATIONS INC.	DOCKET NO. TCU-02-1
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**ORDER DENYING APPLICATION FOR CERTIFICATE
(WITHOUT PREJUDICE)**

(Issued March 15, 2002)

On January 8, 2002, Intrado Communications Inc. (ICI), filed with the Utilities Board (Board) an application for a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29(1) (2001). The Board identified ICI's application as Docket No. TCU-02-1.

ICI requests a certificate in order to provide intrastate local exchange telecommunications services on a statewide basis. However, ICI's specific proposal at this time relates only to aggregation and transportation of emergency calls using its "9-1-1 SafetyNet" services in Iowa. (Application, page 1.) ICI does not intend to provide local dial tone exchange services or long-distance toll (interexchange) services in Iowa. (Application, page 6.) ICI requests a certificate in order to obtain interconnection and collocation agreements with other local exchange service providers. (Application, page 1.)

Pursuant to § 476.29, "a utility must have a certificate of public convenience and necessity issued by the board before furnishing land-line local telephone service

in this state." For purposes of § 476.29, a "utility" is defined as "any person . . . furnishing communications services to the public for compensation," see § 476.1.

Based on the information in ICI's application, the services ICI proposes to offer do not appear to be the type of service intended to be regulated under chapter 476. ICI's proposed offering does not amount to (or substitute for) regular dial-tone services, the traditional focus of the Board's telecommunications regulation. Therefore, based upon the information in ICI's application, the Board finds that ICI is not proposing to offer services that would cause it to be a "utility" for purposes of § 476.29. Accordingly, the Board will deny the application, without prejudice to re-filing if ICI proposes in the future to furnish services regulated by the Board.

In order to provide its proposed 9-1-1 SafetyNetSM services, ICI states that it requires interconnection and collocation agreements with other local exchange service providers. (Application, page 1). While ICI's proposed services do not qualify for certification under the Board's rules, based on the information in ICI's application, ICI appears to be a "telecommunications carrier" as defined in 47 U.S.C. § 153(44), and, therefore, entitled to all rights enjoyed by telecommunications carriers under 47 U.S.C. § 251. On this basis, ICI may enter into interconnection, collocation, and resale agreements with LECs pursuant to 47 U.S.C. § 251, and the Board's denial of ICI's application should not adversely affect ICI's ability to do so.

Because ICI is a telecommunications carrier under the federal statute, it is also necessary that ICI register with the Board pursuant to 199 IAC 22.23(3). ICI should do so before providing its proposed services in Iowa.

IT IS THEREFORE ORDERED:

The application for certificate of public convenience and necessity filed on January 8, 2002, by Intrado Communications Inc. and identified as Docket No. TCU-02-1 is denied, without prejudice.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith °

Dated at Des Moines, Iowa, this 15th day of March, 2002.